

1
2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 CARLOS ROMULO, et al.,

6 Plaintiff(s),

No. C 09-3296 PJH

7 v.

ORDER TO SHOW CAUSE

8 OPTIMA FUNDING, INC., et al.,

9 Defendant(s).
10 _____/

11 This matter was removed from state court on July 17, 2009. Defendant American
12 Home Mortgage Servicing, Inc., ("AHMSI") moved to dismiss the complaint as to it, and the
13 court granted to the motion on September 8, 2009. Plaintiffs were given leave to amend
14 the complaint to cure its deficiencies as outlined by the court in great detail in the order.
15 When plaintiffs failed to amend the complaint as to defendant AHMSI on October 19, 2009
16 for their failure to prosecute their claims against AHMSI.

17 On October 29, 2009, a case management conference was held pursuant to the
18 court's order scheduling the conference issued on July 17, 2009. Plaintiffs did not file a
19 case management statement as ordered, nor did they appear at the conference.
20 THE COURT hereby issues an ORDER TO SHOW CAUSE why plaintiff's claims should
21 not be dismissed for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of
22 Civil Procedure.

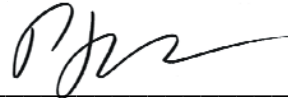
23 The hearing on the order to show cause will be held on November 19, 2009 at 2:30
24 p.m., Oakland Courthouse, 1301 Clay Street, Oakland, California 94612. If plaintiffs fail to
25 appear, the case will be dismissed for failure to prosecute.

26 Additionally, the court notes that no issuance of process nor service of the complaint
27 on the other four defendants has taken place either in state court before removal or in this
28 court after removal. Plaintiffs are reminded that they must serve the complaint on all

1 defendants within 120 days of removal, at the latest – November 17, 2009 – or the
2 complaint will be dismissed without prejudice for failure to serve pursuant to Rule 4 (m) of
3 the Federal Rule of Civil Procedure.

4 **IT IS SO ORDERED.**

5 Dated: October 30, 2009



PHYLLIS J. HAMILTON
United States District Judge